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MONTANA LEGISLATIVE HISTORY

Chapter 638 1993

Bill H _____ S 332 Original bill & history ✓ C

H. Committee on Local Gov't.			S. Committee on Local Gov't.		
Hearing Date(s)	_____	___C	Hearing Date(s)	_____	___C
	3/23	✓C		2/16	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	3/26	✓C		2/18	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

	RETURNED TO SENATE		
4/03	SIGNED BY PRESIDENT		
4/07	SIGNED BY SPEAKER		
4/13	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 382		
	EFFECTIVE DATE: 07/01/93		

SB 331 INTRODUCED BY LYNCH, ET AL.

CLARIFY PREFERRED PROVIDER AGREEMENTS ACT

2/08	INTRODUCED		
2/08	REFERRED TO BUSINESS & INDUSTRY		
2/08	FIRST READING		
2/12	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	50	0
2/22	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/23	FIRST READING		
3/11	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	93	2
3/16	3RD READING CONCURRED	95	4
	RETURNED TO SENATE		
3/20	SIGNED BY PRESIDENT		
3/21	SIGNED BY SPEAKER		
3/22	TRANSMITTED TO GOVERNOR		
3/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 202		
	EFFECTIVE DATE: 03/26/93		

SB 332 INTRODUCED BY WELDON

REVISE URBAN TRANSPORTATION DISTRICT LAWS; ALLOW TRANSPORTATION DISTRICT BOARD

2/08	INTRODUCED		
2/08	REFERRED TO LOCAL GOVERNMENT		
2/08	FIRST READING		
2/16	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	48	0
2/23	3RD READING PASSED	46	3
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO LOCAL GOVERNMENT		
2/23	FIRST READING		
3/23	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED AS AMENDED	52	47
4/01	3RD READING CONCURRED	52	46
	RETURNED TO SENATE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS CONCURRED	50	0
4/06	3RD READING AMENDMENTS CONCURRED	46	4
4/13	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/21	RETURNED TO SENATE WITH GOVERNOR'S AMENDMENTS		

4/22	MOTION FAILED TO NOT CONCUR IN GOVERNOR'S AMENDMENTS ON 2ND READING	21	21
4/22	2ND READING GOVERNOR'S AMENDMENTS NOT CONCURRED	25	21
	TRANSMITTED TO HOUSE		
4/24	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	44	30
4/24	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	52	32
	RETURNED TO SENATE		
4/24	CONFERENCE COMMITTEE APPOINTED		
4/24	CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	46	2
4/24	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	43	6
	HOUSE		
4/24	CONFERENCE COMMITTEE APPOINTED		
4/24	CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	38
4/24	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	62	29
4/27	TRANSMITTED TO GOVERNOR FOR FURTHER RECONSIDERATION		
5/03	SIGNED BY GOVERNOR CHAPTER NUMBER 608 EFFECTIVE DATE: 05/03/93		

SB 333 INTRODUCED BY RYE, ET AL.

REQUIRE FULLY INFORMED JURY

2/08	INTRODUCED		
2/08	REFERRED TO JUDICIARY		
2/08	FIRST READING		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL NOT PASSED		
2/19	ADVERSE COMMITTEE REPORT ADOPTED	33	17

SB 334 INTRODUCED BY BECK, ET AL.

ESTABLISH PESTICIDE AND PESTICIDE CONTAINER DISPOSAL AND RECYCLING PROGRAM

2/08	INTRODUCED		
2/08	REFERRED TO NATURAL RESOURCES		
2/08	FIRST READING		
2/09	FISCAL NOTE REQUESTED		
2/11	FISCAL NOTE RECEIVED		
2/12	FISCAL NOTE PRINTED		
2/13	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	43	6
2/22	3RD READING PASSED	46	2
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/23	FIRST READING		
3/09	HEARING		
3/18	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/29	2ND READING CONCURRED	62	38

SENATE BILL NO. 332

INTRODUCED BY WELDON

IN THE SENATE

FEBRUARY 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 20, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 22, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 46; NOES, 3.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 26, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 30, 1993	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 52; NOES, 46.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 6, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 332

INTRODUCED BY Weldon

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE APPOINTMENT RATHER THAN ELECTION OF MEMBERS TO TRANSPORTATION DISTRICT BOARDS; ALLOWING FOR INCREASING THE NUMBER OF BOARD MEMBERS; AND AMENDING SECTIONS 7-14-212, 7-14-213, 7-14-214, 7-14-215, 7-14-216, AND 7-14-217, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Option for district to be governed by appointed transportation board.** (1) The commissioners and the governing bodies of each incorporated city included or partially included in the district may:

(a) agree that the members or a portion of the members of the board be appointed;

(b) increase or decrease the number of persons on the board provided that if any members are to be elected the number of elected members may not be less than three and those members must be selected pursuant to 7-14-212 through 7-14-215;

(c) set the term of office for appointed members; and

(d) determine the makeup of the board with respect to the number of appointed members that will represent each city or county included or partially included in the

district.

(2) The commissioners and the governing bodies of each city included or partially included in the district shall each appoint their own members to the board as provided for in subsection (1)(d) and shall appoint replacements for any vacancies on the board involving a membership position over which the commissioners or the governing body has appointment power.

Section 2. Section 7-14-212, MCA, is amended to read:

"**7-14-212. District to be governed by elected transportation board.** The district ~~shall~~ must be governed by a transportation board~~.--The board shall--consist~~ consisting of three members. ~~After~~ Except as provided in [section 1], after expiration of the term of the individuals appointed to the initial board, the board members ~~shall~~ must be elected."

Section 3. Section 7-14-213, MCA, is amended to read:

"**7-14-213. Selection of initial transportation board.** (1) The transportation board ~~shall consist~~ consists of three members initially appointed by a selection board composed of the commissioners and an equal number of representatives from the governing bodies of each incorporated city included or partially included in the district.

(2) ~~The~~ Except as provided in [section 1], the appointed members shall serve until the first county general election after their appointment."

SB 332
INTRODUCED BILL

Section 4. Section 7-14-214, MCA, is amended to read:

"**7-14-214. Election of members of transportation board.** (1) **Any** For a membership position on the board that is an elected position, any registered elector in the district may file a petition of candidacy with the election administrator of the county where the district is located. No A filing fee **shall** may not be required. All candidates shall file a nonpartisan petition for candidacy containing the signatures of not less than 25 registered electors of the district. Except for the number of petition signers required, the petition **shall** must be filed as provided in 13-14-113.

(2) The names of the six candidates receiving the highest number of votes in the primary election **shall** must be placed on the ballots in the county general election."

Section 5. Section 7-14-215, MCA, is amended to read:

"**7-14-215. Term of office.** With respect to elected positions on the board, the following provisions apply:

(1) At the first election for membership on the transportation board, the candidate receiving the highest number of votes in the county general election shall receive a 4-year term on the board. The two candidates receiving the next highest number of votes in the county general election shall receive 2-year terms on the board.

(2) After the initial election, two seats on the board **shall** must be filled at every county general election. The

candidate receiving the highest number of votes shall serve a 4-year term and the candidate receiving the next highest number of votes shall serve a 2-year term."

Section 6. Section 7-14-216, MCA, is amended to read:

"**7-14-216. Vacancies on transportation board.** With respect to elected positions on the board, the following provisions apply:

(1) A vacancy on the board **shall** must be filled by a selection board composed of two county commissioners, two representatives from governing bodies of each municipality included or partially included in the district, and two transportation board members.

(2) A member appointed to fill a vacancy shall serve until the first county general election after **his** the appointment."

Section 7. Section 7-14-217, MCA, is amended to read:

"**7-14-217. Notice required of opening on board to be filled by appointment.** With respect to elected positions on the board, the following provisions apply:

(1) The selection board or the remaining board members shall give public notice of their solicitation of applications for initial membership on the board or for the filling of a board vacancy.

(2) The notice must be published in a newspaper having general circulation in the district, once each week for at

1 least 2 weeks, and, when involving an initial appointment,
2 the last publication must be at least 2 weeks before the
3 appointment. If there is no newspaper having general
4 circulation within the boundaries of the proposed district,
5 the notice of solicitation must be posted in at least three
6 public places within the boundaries of the proposed district
7 for 2 weeks before the appointment."

8 NEW SECTION. **Section 8.** Codification instruction.
9 [Section 1] is intended to be codified as an integral part
10 of Title 7, chapter 14, part 2, and the provisions of Title
11 7, chapter 14, part 2, apply to [section 1].

-End-

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on February 16, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 288, SB 324, SB 332, SB 358, SB 364
Executive Action: None.

HEARING ON SB 288

Opening Statement by Sponsor:

Senator Harry Fritz, Senate District 28, stated HB 288 would establish a local government records committee to deal with the retention and disposal of local government and school district records. He said in the 1991 session Representative Forrester (who is now a state senator) introduced a bill abolishing the requirement that the Department of Commerce sign-off before the disposal of any local government records. He noted most local governments were not aware there was such a requirement. Senator

any other facilities they wanted to sell to private corporations. Mr. Morris replied he believed this to be a unique situation. He said Montana has fourteen county-administrated nursing homes and stated at some point in the future any of these counties may wish to sell to a private corporation. Mr. Haikus replied Yellowstone County requested permission from the Legislature during the last session to donate land to the Yellowstone Art Center.

Closing by Sponsor:

Senator Hager stated he closed his remarks on SB 358.

HEARING ON SB 332

Opening Statement by Sponsor:

Senator Jeff Weldon, Senate District 27, stated SB 332 recognizes that county and city governments have a unique interest in urban transportation issues. He said SB 332 was drafted at the request of Missoula County and the City of Missoula. Senator Weldon stated SB 332 would allow local governments to appoint all or part of the membership of urban transportation district boards.

Proponents' Testimony:

Mr. Dan Kemmis, Mayor of Missoula, stated as a freshman legislator in 1975, he introduced legislation to allow the creation of urban transit districts. If he had it to do over again, he said he would not have introduced legislation calling for a three member board for a special service district because these boards do not receive much public attention. Mayor Kemmis said this small board is subject to abuse where special interests dominate the election. He said new Federal legislation exists which calls for a higher level of coordination between cities and counties in transit districts to ensure that transit districts are fully integrated into the overall transit planning. He said Missoula would like to have more appointment authority in order to facilitate this coordination. Mayor Kemmis concluded he did not object to any amendments limiting the number of appointments by the city and county as long as better coordination of services was the end result.

Mr. Keith Baer, Mountain Line, spoke from prepared testimony in support of SB 332. (Exhibit #6)

Mr. John Lawton, City Manager of Great Falls, stated his support for SB 332. He said existing legislation is inadequate because it allows this small elected board to become invisible to the public. He said the transit board in Great Falls met out of the public eye and passed policy without public notification or

consent. Mr. Lawton said SB 332 would raise the profile of this board and make it consistent with the manner of appointment to all other joint city/county boards. He urged the Committee to pass SB 332.

Mr. Alec Hansen, Montana League of Cities and Towns, stated his organization's support for SB 332.

Mr. Gordon Morris, Montana Association of Counties, stated he had reservations about SB 332 in its current form. He said SB 332 would allow for the partial appointment or election of members. Mr. Morris said board members should either be elected or appointed, not both. He stated under existing law, transportation districts have independent taxing authority. Mr. Morris said all other appointed boards are accountable to the Board of County Commissioners and stated this should apply to transportation district boards as well if they are appointed.

Mr. Larry Fasbender, Cascade County, stated his support for SB 332.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Kennedy asked Mayor Kemmis of his opinion regarding the amendments offered by Mr. Baer of Mountain Line. Mayor Kemmis replied he would not object to limiting the number of appointments but added he did not support the ability of the transportation board to appoint fellow members.

Senator Bartlett asked Mr. Morris if any provisions existed for a mix of appointed and elected board members if the district crossed jurisdictional lines. Mr. Morris replied he was not aware of any provision.

Closing by Sponsor:

Senator Weldon stated local governments have an interest in urban transportation and SB 332 would give cities and towns the opportunity to participate. He concluded he would speak with the proponents of SB 332 before executive action to work out their respective concerns.

ROLL CALL

SENATE COMMITTEE Local Government DATE 2-16-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		

F08

Attach to each day's minutes

County of Yellowstone

COMMISSIONERS

(406) 256-2701

Box 35000
Billings, MT 59107

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 5
DATE 2-16-93
BILL NO. SB 332

February 16, 1993

Senator Ed Kennedy
Senate Local Government Committee
Capital Station
Helena, MT 59620

Dear Ed,

In 1987 Yellowstone County issued a request for proposals for a private provider to operate our County nursing home. After careful consideration of all proposals, St. John's Lutheran Home was selected and on December 17, 1987 signed a five (5) year lease with the County.

Since that time, the facility has been run very well and the contract has been extended through 1994. This has taken the operational liability away from the County. The County does still hold responsibility for the facility and has spent money on asbestos removal and roof repairs during this lease time. Yellowstone County would like to eliminate the ongoing liability of the facility.

By selling directly to St. John's, Yellowstone County feels the client population primarily being served, i.e. the medicaid patient, would continue receiving the excellent care they currently are. This would also best serve the existing staff who have had to make one transition in their employment already.

The other benefit that can occur is the ability for St. John's to plan an expansion to this facility.

The use of the public hearing process will open the process to any concerns that may exist.

Sincerely,

Mike Mathew

Mike Mathew
Yellowstone County Commissioner

MM:sa

Oral Testimony of Keith Baer

Chair of the Missoula Urban Transportation District Board of Directors

LOCAL GOVERNMENT NO. 6
2-16-93
SB 332

In response to transportation bill drafted by Jeff Weldon

February 15, 1993

The three member elected Board of Directors of the Missoula Urban Transportation Board, here after referred to as Mountain Line, met last night in a special meeting to discuss this proposal at length.

Highlights of our discussion were as follows;

1. The Mountain Line district does not mirror that of the city or that of the county. Part of Missoula's city limits are not located within the transportation district. Part of the transportation district is not in Missoula city limits.

2. Over half of Mountain Line's funding comes from property tax within the district. We need to assure these voters that their voices are heard. As presently presented, this bill would greatly reduce voter input into how Mountain Line is run.

3. We need to cooperate with other government entities in helping to promote mass transportation in Montana.

With the above in mind, we would like to see the bill amended as follows;
(Our additions are in **bold** print)
New Section. Option for district to be governed by a **combination of elected and appointed transportation board.** (1) **The existing transportation board,** the commissioners and the governing bodies...

(a) (*change to read*) agree that a portion of the members, of the transportation board **may** be appointed;

(b) (*change to read*) increase or decrease the number of persons on the transportation board provided that the number of elected members may not be less than three and must be selected pursuant to 7-14-212 through 7-14-215;

(2) (*change to read*) The existing transportation board, the

commissioners and the governing bodies of each city included or partially included in the district shall appoint members to the board as provided for in subsection (1) (d) and shall appoint replacements for any vacancies on the board involving a membership position.

The Mountain Line Board supports the rest of the bill as written and would like to encourage this committee to pass this piece of legislation as amended. Thank you.

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on February 18, 1993, at 1:00 p.m.

ROLL CALL

Members Present:
Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 399
Executive Action: SB 399, SB 358, SB 364, SB 332, SB 324, SB 288

HEARING ON SB 399

Opening Statement by Sponsor:

Senator Dorothy Eck, Senate District 40, stated SB 399 would authorize local governments to levy one mill for economic development by a vote of the governing body. She said economic development, especially in urban areas, is important to the economy.

EXECUTIVE ACTION ON SB 364

Discussion:

Senator Rye stated the City of Billings had some concerns regarding the wording of SB 364 and asked the Committee to hear from Mr. Dennis Flick of Billings.

Mr. Flick stated he was concerned that SB 364 in its current form might exempt "boarding houses" from zoning restrictions. He said Billings would be unable to regulate these houses on other regulation violations.

Senator Weldon asked Mr. Flick if governing bodies in cities are authorized to enforce other regulations to limit the disruption of "boarding houses" and other multi-person dwelling units. Senator Eck stated in most areas, parking regulations are separate from zoning requirements. She said SB 364 would increase the number of unrelated persons able to live in the same housing unit and would not restrict cities' ability to enforce other safety regulations and city ordinances.

Senator Weldon stated he preferred SB 364 as written because it would allow more people to share housing but would also give cities the authority to regulate living arrangements based on safety concerns.

Senator Rye stated he would have Mr. Flick testify during the House hearing and asked the Committee to pass SB 364.

Motion/Vote:

Senator Rye moved SB 364 DO PASS. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 332

Discussion:

Senator Weldon stated he and Connie Erickson had been working on amendments to address the concerns of SB 332's proponents. Connie Erickson stated the amendments to SB 332, as desired by Senator Weldon, would give the governing bodies within an urban transportation district the option of making the urban transportation board either elected or appointed. She said if the governing body would opt to make the board elected, the number of board members would be increased from three to five. If the governing board would instead opt to appoint board members, Ms. Erickson said, the number of board members would be left up to the discretion of the governing board. She said the terms of office for the board members would be disrupted if the

number of elected board members was increased to five. Ms. Erickson noted the current three member elected board has one four year and two two year terms. Ms. Erickson stated she and Senator Weldon reviewed provisions for terms of office for other district boards including fire districts, whose members are initially appointed then elected to three year terms. She concluded the Committee should decide the composition of the urban transportation board before taking executive action on SB 332.

Senator Waterman stated she would prefer to allow governing bodies in urban transportation districts to decide the board's composition.

Senator Bartlett asked Senator Waterman how her suggestion would affect existing urban transportation boards. Senator Waterman replied the board would be required to set out their rules. Senator Bartlett stated it might be more desirable to require the governing structure of the district to include more people in their decision making process.

Senator Weldon stated the composition of the urban transportation board in Missoula is an important issue because of the high levels of pollution in the area. He said many of the pollution problems in his area could be solved if the city and county were given more authority to address the issue. Senator Weldon said the intent of his amendments would be to give county and city governments the authority to create and organize urban transportation boards. He said this would be a change in policy because existing boards are self-regulating. Senator Weldon agreed the organizational detail should be left up to local governing bodies. Senator Kennedy asked Connie Erickson to prepare an amendment to that effect.

Connie Erickson stated she believed the Committee supported the following amendments to SB 332. First, governing bodies in urban transportation districts would be given the option of creating an elected or appointed transportation board. Second, the governing body of the city and county would be given the authority to determine the composition and rules of the board.

Senator Kennedy said he supported this option because it would give local governments the flexibility to organize an effective transportation board.

Senator Eck asked if transportation boards had the authority to enact levies. Connie Erickson replied statute gives transportation boards taxing authority because the county commissioners must levy the amount of money deemed necessary by the transportation board for its operation.

Senator Weldon stated another option would be to make this taxing authority not final, however, he preferred to give local governing bodies the authority to determine the composition of

the transportation board. Senator Weldon asked that his notes on SB 332 be entered into the record. (Exhibit #3)

Motion/Vote:

Senator Waterman moved the Committee adopt the suggested amendments to SB 332. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Weldon moved SB 332 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 324

Motion:

Senator Eck moved the Committee adopt the amendments offered to SB 324. (Exhibit #4)

Discussion:

Senator Eck stated the amendments offered to SB 324 would require cities which annex wholly surrounded industrial properties to reimburse the county road fund at a decreasing percentage rate for a period of five years. She said this would address concerns of opponents to SB 324 who feared they would lose revenue.

Senator Weldon stated he was still concerned about the impact SB 324 would have on rural fire districts. Senator Eck replied she would be willing to revise her amendment to include rural fire districts in the reimbursement scheme.

Senator Swift stated he appreciated Senator Eck's attempt to address lost revenue by the county, however, he said he did not think SB 324 or its amendments would address the problem of an inadequate tax base for cities.

Motion:

Senator Eck made a substitute motion to include rural fire districts in her original motion.

Discussion:

Senator Eck stated SB 324 pertains only to wholly surrounded industrial areas. She noted that a few rural fire districts have

MONTANA STATE SENATE

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 2-18-93
BILL NO. SB 332

SENATOR JEFF WELDON
HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
PHONE: 444-4800
HOME ADDRESS:
24460 DONEY ROAD
ARLEE, MONTANA 59821
PHONE: (406) 726-3804

COMMITTEES:
LOCAL GOVERNMENT
NATURAL RESOURCES
STATE ADMINISTRATION,
VICE-CHAIRMAN

Feb. 19, 93

To: Rosalyn Cooperman, Rm 442
Re: SB 332

I surveyed each member of the Local Govt Committee to make sure each agreed that the draft prepared by Connie was in agreement w/ the conceptual amendment we adopted yesterday. Each agreed it was ok.

Please let Connie know and pass out Committee Report on SB 332. Also, Please add this material to the record.

Thanks

Jeff

MONTANA STATE SENATE

SENATOR JEFF WELDON
HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
PHONE: 444-4800
HOME ADDRESS:
24460 DONEY ROAD
ARLEE, MONTANA 59821
PHONE: (406) 726-3804

COMMITTEES:
LOCAL GOVERNMENT
NATURAL RESOURCES
STATE ADMINISTRATION,
VICE-CHAIRMAN

Memorandum

Date: *February 19, 1993*

To: *Members of the Senate Local Government Committee*

From: *Senator Jeff Weldon*

Re: *SB 332, Revising the Urban Transportation District Laws*

Attached please find a copy of the bill that will be presented on Second Reading. Essentially, it's a substitute bill that delivers to the local governing bodies the authority to design the board, including whether the board will be appointed or elected.

I am comfortable with this version, which is the effect of our amendment.

Please let me know if you have questions or concerns.

Thanks.

File copy

Each member agreed that this draft reflects amendments taken in committee

J Weldon
2/19

2-18-93
SB-332

Amendments to Senate Bill No. 332
First Reading Copy

Requested by Senator Weldon
For the Committee on Local Government

Prepared by Connie Erickson
February 19, 1993

1. Title, lines 4 through 8.
Following: ""AN ACT"
Strike: lines 4 through 8 in their entirety
Insert: "REVISING THE URBAN TRANSPORTATION DISTRICT LAWS; ALLOWING FOR THE APPOINTMENT OF A TRANSPORTATION DISTRICT BOARD; ALLOWING LOCAL GOVERNING BODIES TO DETERMINE THE NUMBER OF BOARD MEMBERS, THE TERM OF OFFICE, THE SELECTION OF INITIAL MEMBERS, AND THE PROCEDURE FOR FILLING VACANCIES; AMENDING SECTION 7-14-212 AND 7-14-214, MCA; AND REPEALING SECTIONS 7-14-215, 7-14-216, AND 7-14-217, MCA; repealing sections 7-14-213, 7-14-215, 7-14-216, and 7-14-217, MCA.""

2. Pages 1 through 5.
Strike: everything following the enacting clause
Insert: "**Section 1.** Section 7-14-212, MCA, is amended to read:
"**7-14-212. District to be governed by ~~elected~~ transportation board.** (1) The district ~~shall~~ must be governed by a transportation board. ~~The board shall consist of three members. After expiration of the term of the individuals appointed to the initial board, the board members shall be elected~~ The commissioners and the governing bodies of each city included or partially included in the district shall determine if the board is to be elected or appointed.

(2) The commissioners and the governing body by resolution shall:

(a) determine the number of board members;

(b) set the term of office;

(c) determine the make-up of the board with respect to the number of appointed members that will represent each county, city, or town;

(d) establish a procedure for selecting the initial members of an elected board. The initial members shall serve until the first county general election after their appointment.

(e) determine the number of candidates for an elected board whose names must be placed on the ballot in the county general election based on the results of the primary election; and

(f) establish a procedure for filling vacancies on the board, including a provision for public notice."

Section 2. Section 7-14-214, MCA, is amended to read:
"**7-14-214. Election of members of transportation board.** ~~(1)~~

Any registered elector in the district may file a petition of candidacy with the election administrator of the county where the district is located. ~~No~~ A filing fee ~~shall~~ may not be required. All candidates shall file a nonpartisan petition for candidacy containing the signatures of not less than 25 registered electors of the district. Except for the number of petition signers required, the petition shall be filed as provided in 13-14-113.

~~(2) The names of the six candidates receiving the highest number of votes in the primary election shall be placed on the ballots in the county general election.~~""

NEW SECTION. **Section 3. {standard} Repealer.** Sections 7-14-213, 7-14-215, 7-14-216, and 7-14-217, MCA, are repealed.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN NORM WALLIN**, on March 23, 1993, at 3:00 p.m.

ROLL CALL

Members Present:
Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: Rep. Dave Brown, Rep. Tim Dowell, Rep. Dave Ewer and Rep. Ed McCaffree

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 189, SB 288, SB 332, SB 298, SB 316
Executive Action: SB 298, SB 157 - Action on both postponed.

HEARING ON SENATE BILL 189

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 20, Great Falls, stated SB 189 was being introduced at the request of County Assessors and Clerk and Recorders. SB 189 stipulates that all taxes be paid before deeds are filed when subdividing land. It was amended in the Senate Local Government Committee to eliminate the requirement that the Department of Revenue and the County Treasurer keep records of the separation of taxes between parcels.

Proponents' Testimony: None.

the problem of unavailable space, and also protect those records which are valuable and should be retained.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. McCAFFREE asked why special improvement districts (SIDs) have not been included. **SEN. FRITZ** said they tried to start with only the core elements of local government.

REP. McCAFFREE asked **Mr. Eaton** if the SIDs have guidelines at the present time. **Mr. Eaton** replied that he was not familiar with local government retention of records since he deals with state agencies.

REP. McCAFFREE asked **SEN. FRITZ** if he would be agreeable to including SIDs. **SEN. FRITZ** said he would make inquiries as to the need to include SIDs.

Closing by Sponsor:

SEN. FRITZ thanked the committee and closed.

HEARING ON SENATE BILL 332

Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 27, Arlee, SB 332 will create an opportunity for inter-local agreements, to allow local governments to design the organizational structure of local boards of urban transportation districts. Urban Transportation Districts (UTDs) were created in 1975. In Montana there are currently three UTDs: one in Missoula, one in Great Falls and one east of Billings. SB 332 will allow local county commissions and city governing bodies determine whether the UTD Board should be elected or appointed. They will also be allowed to determine the number of board members and length of term to be served. SB 332 which is endorsed by the City of Missoula, Cascade County Commissioners and the City of Great Falls, recognizes that local governments have a unique interest in urban transportation issues. He also asked the Committee to consider an amendment which would allow commissioners to adopt a resolution changing the method by which the board is selected and permitting them to include that current board members may serve out their terms. In addition, he requested that the bill be amended to include an immediate effective date.

Proponents' Testimony:

Jim Dolan, Missoula Transportation Board of Directors, Mountain Line Board, testified in support of SB 332. He said there is a need for involvement by the city and county. He also endorsed

the proposed amendment for an immediate effective date. He distributed a letter supporting SB 332. **EXHIBIT 2**

Geoff Badenoch, City of Missoula, testified in favor of SB 332 and distributed a letter from Mayor Dan Kemmis, Missoula, also in support of SB 332. **EXHIBIT 3** He stated that independent boards of three members charged with overseeing transportation districts are not the best form of assuring that mass transportation is effectively integrated into local transportation planning. A larger board of five or more will provide the depth and stability required for mass transportation planning and operation. The city has not taken a position with respect to the board being elected or appointed. The city, however, does support the amendment for an immediate effective date. Urban Transportation Districts are required by federal regulations to complete a transportation improvement plan in cooperation with local metropolitan planning organizations.

Alec Hansen, Executive Director, Montana League of Cities and Towns, testified in support of SB 332, stating it will improve management. He also agreed with the amendment for an immediate effective date.

Opponents' Testimony:

Keith Baer, Chairman, Missoula Urban Transportation District Board of Directors, testified in opposition to SB 332. **EXHIBIT 4**

Questions From Committee Members and Responses:

CHAIRMAN WALLIN asked **SEN. WELDON** if there would be an objection if the Committee were to amend the bill to stipulate it be a five member elected board. **SEN. WELDON** said he would object since one of the principles of the bill is to give local governments the option of an elected or appointed board.

REP. SAYLES asked **SEN. WELDON** who would appoint the board members. **SEN. WELDON** replied that under provisions of the bill local government entities, either the city or county commission, can determine the makeup of the board. Under existing law the people who live in the transportation districts vote on the membership.

REP. McCAFFREE asked **SEN. WELDON** if he would agree to having the election held the same time as the school election. **SEN. WELDON** answered yes.

Closing by Sponsor:

SENATOR WELDON closed on SB 332.

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL DATE 3/23/93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN			✓
REP. TIM DOWELL			✓
REP. DAVID EWER			✓
REP. STELLA JEAN HANSEN	✓		
REP. JACK HERRON	✓		
REP. ED McCAFFREE			✓
REP. SHEILA RICE	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL	✓		
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT			

DANIEL KEMMIS
OFFICE OF THE MAYOR
435 RYMAN MISSOULA, MT 59802-4297 (406) 523-4601 FAX: (406) 728-6690

EXHIBIT 3
DATE 3/23/93
SB SB 332

March 19, 1993

Representative Norm Wallin
Chair, House Local Government Committee
Capitol Station
Helena, MT. 59620

Dear Chairman Wallin:

I am writing in support of Senator Weldon's SB 332.

As it turns out, I was the original sponsor in 1975 of the bill allowing for the creation of urban transportation districts, so if anyone is to blame for the statute needing amending, I must be the culprit. In any event, my experience and that of many others in our community has persuaded me that we do need the changes contained in SB 332.

There are two major reasons that I believe local governments should have the option of determining the number of urban transportation district board members and, if they so choose, of providing that such boards be appointed rather than elected.

The first reason has to do with the need to integrate mass transit into overall transportation planning. The new federal transportation legislation only heightens the need for such coordination, which in turn intensifies the need for clear lines of accountability over mass transit matters.

It may seem, of course, that the best way to assure accountability is to elect urban transit boards, and in some communities this may be the case. Even in those cases, I am now convinced that a three-member board is rarely the best size. Such a small board inherently lacks the stability of even a five member board, and is far more subject to the possibility of abuse of open meeting laws every time two board members find themselves in a conversation about official matters.

My deeper concern has to do with the amount of attention the general public finds itself able to devote to the election of narrowly focused special service district boards. My experience, from watching these elections fairly closely over the past 15 years, is that most voters find it very difficult to learn anything about the candidates, and usually go into the voting booth without ever having even heard the names of the people running for these boards. This sometimes has the effect of encouraging very narrow constituencies to exercise what, through

no fault of their own, can be a disproportionate influence on the election of these important decisions.

As I said earlier, this may not be a problem in some communities, and for that reason the legislation gives local governments the option of appointing these boards, but also leaves them the option of allowing them to continue to be elected. In Missoula, having these options available would help us to integrate and make more accountable our transportation planning and implementation.

Given a number of important mass transit decisions to be made in Missoula in the next several months, we would request that SB 332 be amended to provide for an immediate effective date.

Thank you for your attention to this legislation.

Sincerely,

Daniel Kemmis
Mayor

cc: House Local Government Committee Members

EXHIBIT 4
DATE 3/23/93
SB SB 332

4

Oral Testimony of Keith Baer before the State House
March 23, 1993

tached to this testimony, you will find a copy of the testimony that I ve to the State Senate just over one month ago. At that time, the ssoula Urban Transportation Board decided to support the original bill th the amendment that the board should retain a majority of members at were elected. The reasons for this were as follows;

1. The Mountain Line district does not mirror that of the city or that of the county. Part of Missoula's city limits are not located within the transportation district. Part of the transportation district is not in Missoula city limits.

2. Over half of Mountain Line's funding comes from property tax within the district. We need to assure these voters that their voices are heard. As presently presented, this bill would greatly reduce voter input into how Mountain Line is run.

3. We need to cooperate with other government entities in helping to promote mass transportation in Montana.

he compromise that we proposed last month of having a board consisting f three elected members and two appointed members still stands. If this an not be done then I would encourage this committee to change this egislation to insure an all elected board.

Vithout this important change, I would strongly encourage the defeat of his proposal.

Thank you for your consideration of this matter.

****

Oral Testimony of Keith Baer
Chair of the Missoula Urban Transportation District Board of Directors
In response to transportation bill drafted by Jeff Weldon
February 16, 1993

The three member elected Board of Directors of the Missoula Urban Transportation Board, here after referred to as Mountain Line, met last night in a special meeting to discuss this proposal at length.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN NORM WALLIN**, on March 25, 1993, at 3:00 p.m.

ROLL CALL

Members Present:
Rep. Norm Wallin, Chairman (R)
Rep. Ray Brandewie, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Dave Brown (D)
Rep. Tim Dowell (D)
Rep. Dave Ewer (D)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Ed McCaffree (D)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)

Members Excused: Rep. Diane Wyatt (D)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: None
Executive Action: SB 358, SB 298, SB 332, SB 189, SB 157, SB 215, SB 364, SB 288, SB 316

EXECUTIVE ACTION ON SB 358

Motion/Vote: **REP. VOGEL** moved to reconsider SB 358. Motion carried unanimously.

Discussion: **REP. VOGEL** offered amendments for SB 358, requiring Yellowstone County to get at least two appraisals prior to the sale of the nursing home. **EXHIBIT 1**

REP. WINSLOW informed the committee that there is already in place a bidding process and all SB 358 will do is circumvent that process.

REP. BOHLINGER, speaking in favor of SB 358, noted there should be concern for those residents of the nursing home by maintaining some continuity in services.

CHAIRMAN WALLIN asked if the amendment also requires the business to be sold at the highest appraisal.

Mr. Campbell said there are statutes covering the sale in Section 7-8-2213.

Motion/Vote: **REP. VOGEL** moved to adopt the amendment for SB 358. Motion carried unanimously.

Motion/Vote: **REP. VOGEL MOVED SB 358 BE CONCURRED IN AS AMENDED.** Motion carried 9-6 on a roll call vote with **REP. EWER** abstaining.

EXECUTIVE ACTION ON SENATE BILL 298

Motion/Vote: **REP. BROWN MOVED SB 298 BE CONCURRED IN.** Motion carried unanimously.

Motion/Vote: **REP. BROWN** moved to put SB 298 on the consent calendar. Motion carried unanimously. **REP. EWER** will carry the bill.

EXECUTIVE ACTION ON SENATE BILL 332

Discussion: **REP. SAYLES** recommended amending the bill on page 2, line 4 striking "or appointments" and including an immediate effective date. **REP. DOWELL** noted that "or appointments" should not be stricken since the County Commissioners want the option to appoint board members.

Motion: **REP. BRANDEWIE MOVED SB 332 BE NOT CONCURRED IN.**

Motion: **REP. DOWELL MADE A SUBSTITUTE MOTION THAT SB 332 BE CONCURRED IN.**

Motion/Vote: **REP. DOWELL** moved to amend SB 332 to include an immediate effective date. **EXHIBIT 2** Motion carried 15-1 with **REP. BRANDEWIE** opposing.

Motion/Vote: **MOTION WAS MADE THAT SB 332 BE CONCURRED IN AS AMENDED.** Motion carried 9-5 with **REPS. DOWELL, BRANDEWIE, RICE, HERRON,** and **MCCAFFREE** opposing.

HOUSE STANDING COMMITTEE REPORT

March 26, 1993

Mr. Speaker: We, the committee on Local Government report that Senate Bill 332 (third reading copy -- blue) be concurred in as amended .

Signed: Norm Wallin, Chair

And, that such amendments read: Carried by: Rep. Hansen

1. Title, line 14.
Following: ";"
Strike: "AND"

2. Title, line 15.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, following line 11.
Insert: "
NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

-END-

Committee Vote:
Yes ___, No ___.

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